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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.R. No. 1448 of 2007.(O&M)
Date of Decision : March 16, 2007

Charanjit Singh

... Petitioner

Versus

Sukhwinder Singh and others

.. Respondents

CORAM : Hon`ble Mr. Justice Pritam Pal.

Present : Shri Kanwaljit Singh, Advocate,
for the petitioner.

PRITAM PAL , J.

This revision under Article 227 of the Constitution of India, by defendant – Charanjit Singh, is directed against order dated 30.1.2007, passed by learned Civil Judge (Junior Division), Jalandhar, whereby, his application for directing the plaintiff-respondent to affix the ad-valorem court fee, as per the value of the suit property, given in the sale deed, was dismissed.

The sole contention of learned counsel for the petitioner-defendant is that since the plaintiff-respondent has also sought joint possession of the suit-property, after cancellation of the sale-deed, therefore, he is liable to affix the ad-valorem court fee on the basis of the value of the

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subject-matter, as mentioned in the sale deed. In support of his this contention, he has placed reliance on **Bhagwan Kaur and others v. Amrik Singh and others** *2006 (4) RCR (Civil) 531*.

I have gone through the facts of the above cited ruling and find that on the basis of observations made by His Lordship of this Court, no benefit can be derived by the petitioner, inasmuch as, here in the instant case, the plaintiff-respondent has filed the suit for declaration seeking joint possession of the suit land with other defendants, who are also coparceners. By way of consequential relief, the plaintiff has also sought a relief for declaring the sale-deed as null and void. Admittedly, the plaintiff is also not a party to the said sale-deed. The suit land is an agriculture land and in this case, challenge to the sale-deed is in fact, ancillary. Faced with this situation, learned trial court has rightly held that the plaintiff-respondent is not required to affix the ad-valorem court fee on the suit, which is mainly a suit for declaration.

In this view of the matter, no patent illegality or any material irregularity is found in the impugned order, passed by the learned trial court, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, this revision petition is hereby dismissed *in limine*.

[PRITAM PAL]
JUDGE

March 16, 2007.
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